



Townsend Town Council Meeting
May 10th, 2023 @ 7:00 pm
VIA CONFERENCE CALL &
Town Hall
141 Main St, Townsend, DE 19734

7:00 pm Town Council Meeting

I. Call to Order: 7 pm.

II. Opening Ceremonies

A. Roll Call: Mayor S. Lobdell,
Councilwoman S. Rojas,
Councilman J. Mertz,
Councilman E. Dugan,
Town Manager A. Tantillo,

Finance Manager J. Helms, Town Solicitor A. Shapiro, Town Engineer E. Van-Otoo, and Town Clerk M. Rivera. Councilwoman E. Clarke absent.

B. Pledge of Allegiance: All present recited the pledge of allegiance.

C. Recognition of Visitors: Nick Smith Vice President of the Delaware League of Local Governments (Mayor of Clayton, DE), Alan Emsley, Matthew Chapman, Marcus Suhr, and Dwain Haines.

D. Announcements:

1. CM Mertz congratulated the Town's former Town Solicitor N. Christopher Griffiths on his nomination and appointment as a State of Delaware Supreme Court Judge.

III. Citizens Comments & Participation

A. Mr. Smith announced the Affordable Connectivity Program is currently run through the State. Mr. Smith provided statistics of the Town's Affordable Connectivity Program. Mr. Smith advised they are currently working with the school districts for enrollment assistance. Additionally, the Town may reach out to the Governor's Office and the Education Superhighway for more information and how to assist with pushing the program. Mr. Smith advised the Delaware League of Local Government typically meets the third Thursday of the month and encouraged the Town Council to attend these meetings.

B. Mr. Emsley requested where and how he would be able to be informed of the Town Council meetings. CM Mertz advised the Town is currently working on an event calendar subscription. TM Tantillo advised she will assist Mr. Emsley to ensure he is properly subscribed and moving forward the Town will send out a posting alert for cancellations. Mayor Lobdell confirmed the time will continue to be 7 pm.

IV. Adoption of Agenda.

A. Mayor Lobdell noted under Finance Committee discussion should be listed as March 2023 Budget vs. Actual Reports.

B. CM Mertz request to move the FY 2024 Budget item to the beginning. Mayor Lobdell noted this was discussed at the April Town Council special meeting.

Town Meetings will return to both an in person and a virtual format.

Those wishing to attend virtually may dial **1(301)715-8592**. When directed, provide following meeting ID **827- 6421-7575#** and then the following password **361631#** to enter the meeting. If you choose to access the meeting online click the following link: <https://us02web.zoom.us/j/82764217575?pwd=aHI4RDhTZ0xiME1HV0ZOcHRxSHZ3QT09>

Residents will be able to view documents posted to the meeting tab on the Town website at <https://townsend.delaware.gov> or by joining the meeting via computer.

C. *CM Mertz made a motion to adopt the agenda with the changes as discussed by Mayor Lobdell and to move Item 7, A, 2 in front of all reports. CW Rojas seconded the motion. Voice vote of Council: All yea's.*

1. Council adopted the agenda with the discussed changes.

V. Approval / Rejection of Minutes

A. **ACTION ITEM:** Approval/ Rejection of Town Council Minutes from the February 1st, 2023, Town Council Meeting.

B. **ACTION ITEM:** Approval/ Rejection of Town Council Minutes from the April 5th, 2023, Town Council Meeting.

C. **ACTION ITEM:** Approval/ Rejection of Town Council Minutes from the April 5th, 2023, Town Council Meeting Executive Session.

D. **ACTION ITEM:** Approval/ Rejection of Town Council Minutes from the April 25th, 2023, Town Council Special Meeting.

E. **ACTION ITEM:** Approval/ Rejection of Town Council Minutes from the April 25th, 2023, Town Council Meeting Executive Session.

1. *CM Mertz moved to table the executive session meeting minutes for Action Items C and E. CW Rojas seconded the motion. Voice vote of Council: all yea's.*

2. Town Council tabled the Town Council Minutes from the:

a. April 5th, 2023, Town Council Meeting Executive Session.

b. April 25th, 2023, Town Council Meeting Executive Session.

3. *CM Mertz made a motion to approve the Town Council Minutes from the February 1st, 2023, Town Council Meeting, Town Council Minutes from the April 5th, 2023, Town Council Meeting, and Town Council Minutes from the April 25th, 2023, Town Council Special Meeting. CW Rojas seconded the motion. Voice vote of Council: all yea's.*

4. Council approved the Town Council Minutes from the:

a. February 1st, 2023, Town Council Meeting.

b. April 5th, 2023, Town Council Meeting.

c. April 25th, 2023, Town Council Special Meeting.

VI. Reports:

A. Mayor

1. No reports.

B. New Castle County Councilman David Carter

1. NCC Carter not present. No report.

C. Town of Townsend Police Chief's Report

1. Reports received, no questions or discussion.

D. Town Solicitor A. Shapiro

1. Mayor Lobdell noted TS A. Shapiro filling in for TS Griffiths.

2. TS Shapiro advised there are no specific updates to report.

E. Town Engineer Edwin Van-Otoo

1. TE Van-Otoo clarified the Town is not yet moving forward with the Finley Street location and advised he is going through the process of contacting DNREC and New Castle County to ensure there are no additional permits required regarding the wetlands. TE Van-Otoo explained he is coordinating with the US Army Corp of Engineers to confirm they are not needed. Once information is received, the Town will be able to move forward with a decision on the location.

F. Town Manager Antonina Tantillo

1. TM Tantillo confirmed Public Works is continuing to work on the following:
 - a. Perfect curb painting.
 - b. Re-mulching at the Town Park Playground.
2. TM Tantillo advised the Public Safety letter regarding parking concerns has been sent to residents. Additionally, the Town will repost the safety map with the letter.
 - a. Council confirmed they have received the letters.
3. TM Tantillo advised the radar speed signs should be installed by the end of June. TM Tantillo explained preparations at the Town Park are being handled first for the Town Fair.
4. TM Tantillo announced that the Charter revisions that have been approved by Council were presented by Representative Spiegelman to the House Administrative Committee at Legislative Hall. TM Tantillo confirmed it was unanimously approved. TM Tantillo advised it will be moving forward to the House Floor and then to the Senate, as she has been advised.
5. TM Tantillo announced Planning Commission member, Louise Krause, has stepped down. TM Tantillo noted he has served as a member on the Planning Commission since 2020 and thanked him for serving. TM Tantillo advised solicitation for a new Planning Commission member will be posted on the Town website.
6. TM Tantillo announced the Planning Commission meeting has been canceled for, May 10th; a new date will be posted once confirmed by the Planning Commission.
7. TM Tantillo advised a complaint was received by the Town regarding work that is being completed on Route 71. TM Tantillo advised that she immediately contacted DelDOT and DelDOT went to the site to remedy the issue immediately. TM Tantillo clarified since the Town does not own the road, there is no jurisdiction over enforcement.
8. **ACTION ITEM:** Discussion and possible vote to authorize the repairs/ replacement of the Town Park gazebo façade.
 - a. TM Tantillo confirmed quotes were received last month for the last meeting. TM Tantillo advised the Town has received an additional quote from Devan Sutton Enterprises, Inc. T/A Contracting Plus. TM Tantillo advised the company quoted \$21,600.00 for the total repair cost and \$39,600.00 for the total replacement cost.
 - b. TM Tantillo confirmed the insurance company will not cover the costs since it has been determined damage is normal wear and tear due to water.
 - c. Council re-discussed the previous quotes received:

- i. Roger Rullo:
 - a) The price range for replacement cost is \$17,800.00 to \$19,000.00.
- ii. Gary Rullo:
 - a) The replacement cost is \$24,900.00.
 - b) The repair cost is \$14,500.00.
- iii. EDIS:
 - a) The cost to repair two sections is \$18,126.00.
 - b) The cost to replace all the stone is \$35,886.00.
 - c) The cost to replace all the stone with stucco is \$24,126.00.
- d. TM Tantillo confirmed she reached out to Adam Miller for a quote and no response has been received.
- e. TM Tantillo to work with TE Van-Otoo to ensure the quotes are equal.
- f. *CM Mertz made a motion to table the authorization until the Town Engineer and the Town Manager deem the Town has enough information to move forward. CM Dugan seconded the motion. Voice vote of Council: all yea's.*
 - i. Council tabled vote to authorize the repairs/ replacement of the Town Park gazebo façade.

VII. Committee Reports

A. **Finance Committee:** Chair: Councilman Dugan, Co-Chair: Mayor Lobdell

1. Review and possible discussion on the **March 2023** Budget vs. Actual Reports.
 - a. FO Helms confirmed there is one more quarter remaining.
 - b. FO Helms advised the current budget is doing well as the revenues are more than projected for this month, while the expenses are less than projected.
2. **ACTION ITEM:** Discussion and possible vote regarding Resolution 2023-006 A Resolution to Affirm the Adoption of the FY 24 Municipal Budget.
 - a. TM Tantillo provided a title reading of Resolution 2023-006 A Resolution to Affirm the Adoption of the FY 24 Municipal Budget.
 - b. *CM Mertz made a motion to open discussion of the budget and Resolution 2023-006. CW Rojas seconded the motion. Voice vote of Council: all yea's.*
 - i. Council opened discussion of the FY 24 Municipal Budget and Resolution 2023-006.
 - c. Mayor Lobdell reminded Council at the last meeting each line item was discussed.
 - d. Council discussed attorney fees and estimated revenues on the proposed FY 24 Municipal Budget.

- e. *CM Mertz made a motion to amend Account ID and Budget for Professional Fees: General Legal from \$100,000.00 to \$75,000.00. CM Dugan seconded the motion. Voice vote of Council: all yea's.*
 - i. Council amended the budget amount under Account ID Professional Fees: General Legal from \$100,000.00 to \$75,000.00.
 - f. CM Mertz clarified the Town is seeking to hire additional Police Officers. One Police Officer effective immediately July 1st and the second Police Officer effective January 1st. Mayor Lobdell noted this is due to the hybrid budget proposed. Additionally, this saves the Town \$60,000.00.
 - g. TM Tantillo confirmed the transfer from Fund Balance will now be \$297,150.00 and the total General Fund Expenditures will be \$1,492,750.00.
 - h. *CM Mertz made a motion to approve Resolution 2023-006 A Resolution to Affirm the Adoption of the FY 24 Municipal Budget such that the fund withdraw will be \$297,150.00 and the total expenditures for the year 2024 will be \$1,492,750.00. CM Dugan seconded the motion.*
 - i. *Roll Call Vote of Council: CM Dugan – yea, CM Mertz – yea, and CW Rojas – yea.*
 - a. Council approved the FY 24 Municipal Budget as discussed.
3. **ACTION ITEM:** Discussion and possible vote of Resolution 2023-005 A Resolution to Revise the Town of Townsend Purchasing Policy.
- a. TM Tantillo confirmed changes have been made as discussed at the last meeting.
 - b. *CM Mertz made a motion to approve Resolution 2023-005 A Resolution to Revise the Town of Townsend Purchasing Policy. CM Dugan seconded the motion.*
 - i. *Roll Call Vote of Council: CM Dugan – yea, CM Mertz – yea, and CW Rojas – yea.*
 - a. Council approved Resolution 2023-005 A Resolution to Revise the Town of Townsend Purchasing Policy.
4. **ACTION ITEM:** Discussion and possible vote of Resolution 2023-007 A Resolution to Amend the FY 2023 Municipal Budget.
- a. FO Helms advised due to grants and donations the Town has received the following changes have been made to amend the budget:
 - i. Grant Revenue to increase by \$41,500.00; due to the New Castle County Grant received for the Town Fair and the Radar Signs Grant.
 - ii. The Town Fair Donations budget to increase by \$4,200.00
 - iii. The Community Event Donations budget to increase by \$2,100.00; noting these donations have been received for the Back-to-School Night.
 - b. FO Helms confirmed the changes will result in net zero expenses for the Town Fair.

- c. *CM Mertz made a motion to approve Resolution 2023-007 A Resolution to Amend the FY 2023 Municipal Budget as detailed by the Financial Officer. CM Dugan seconded.*
 - i. *Roll Call Vote of Council: CM Dugan – yea, CM Mertz – yea, and CW Rojas – yea.*
 - a. Council approved Resolution 2023-007 A Resolution to Amend the FY 2023 Municipal Budget.

B. Human Resources Committee: Chair: Mayor Lobdell, Co-Chair: Councilman Dugan

1. No reports
2. TM Tantillo advised she will be performing interviews for the Part-time Administrative Position; an action item for this will be forthcoming.

C. Public Works Committee: Chair: Councilman Dugan, Co-Chair: Councilman Mertz

1. No reports.
2. TM Tantillo to reach out to DelDOT regarding the sinkholes at the corner of Wiggins Mill Road.

D. Land Use and Development Committee: Chair: Councilwoman Rojas, Co-Chair: Mayor Lobdell

1. No reports.

E. Veterans Committee: Chair: Councilwoman Clarke, Co-Chair: Councilwoman Rojas

1. TM Tantillo advised additional details will be on the Veterans Event flyer for May 19th that will be posted soon. TM Tantillo explained Sweet Melissa Bakery has partner with the Town for the appreciation event. Additionally, Veterans will be able to meet with the Veterans Committee to discuss what opportunity they would like to see from the Town.

F. Public Safety Committee: Chair: Councilman Mertz, Co-Chair: Councilwoman Clarke

1. CM Mertz noted letters were sent out. If not received, he encouraged residents to reach out to the Town. CM Mertz noted there will be lots of safety enforcement at the Town Fair.
2. **ACTION ITEM:** Discussion and possible vote of Resolution 2023-002 A Resolution to Amend Resolution 2021-014 and Define the Reporting of the Police Chief
 - a. CM Mertz noted in summary this is to bring clarity to the Police Chiefs reporting.
 - b. CM Mertz noted typographical item to be fixed.
 - c. TS Shapiro and Council discussed language of the resolution and briefly discussed what the expectations are of the Police Chief.
 - d. *CM Mertz made a motion to approve Resolution 2023-002 A Resolution to Amend Resolution 2021-014 and Define the Reporting of the Police Chief with the following amendment to section two, strike “however coordinate” and replace with “shall however meet and discuss”. CW Rojas seconded the motion. Voice vote of Council: all yea’s.*

- i. *Roll Call Vote of Council: CM Dugan – yea, CM Mertz – yea, and CW Rojas – yea.*
 - a. Council approved Resolution 2023-002 A Resolution to Amend Resolution 2021-014 and Define the Reporting of the Police Chief with the following amendment to section two, strike “however coordinate” and replace with “shall however meet and discuss”.

G. Community Engagement Committee: Chair: Councilwoman Rojas

1. Town Parade & Fair updates.
 - a. CW Rojas announced there is another meeting May 12th, after the Wildlife event.
 - b. CM Mertz noted Willey’s Farms is also holding an event on June 3rd, the same day of the Town Fair.
 - c. Chief Longo confirmed ATT will be provided Wi-Fi for the Town Fair. Additionally, Chief Longo is awaiting confirmation for the k-9.
2. TM Tantillo advised blessing box food pantry that was donated by resident McKenna Fitzwater. TM Tantillo encouraged residents to take what they need and give what they can. Additionally, any questions may be directed to TM Tantillo.

H. Code Review Committee: Chair: Mayor Lobdell, Co-Chair: Councilman Mertz

1. No reports.
2. Mayor Lobdell advised the Code Review Committee will begin holding meetings to review the Towns Municipal codes; updates will be brought to Council.
3. **ACTION ITEM:** Discussion and possible vote regarding Resolution 2023-003 A Resolution to Create a Policy for Communication of Minutes and Agendas.
 - a. CM Mertz introduced and advised no vote is needed at this time.
 - b. CM Mertz provided a reading of Resolution 2023-003 A Resolution to Create a Policy for Communication of Minutes and Agendas.
 - c. CM Mertz explained the resolution is to address how minutes should be written. CM Mertz advised the minutes should be a shortened summary of the motions and any statements made for the record.
 - d. Council agreed the resolution needs further discussion and revision.

I. National Wildlife and Historic Preservation Committee: Chair: Councilwoman Clarke, Co-Chair: Councilman Dugan

1. No reports.
2. TM Tantillo announced there is an event at 5pm on May 12th to install a new butterfly garden by the Town Park Playground.

VIII. Recess Council Meeting to Convene Executive Session.

- A. *CM Mertz made a motion to recess council meeting and convene executive session pursuant to 29 Del. C. §§10004(b)(2) and (4), the Town Council will consider a motion to meet in executive session for a strategy session, which will include legal advice or opinions from an attorney-at-*

law, with respect to potential litigation, as well as discussions that may have an adverse effect on the bargaining or litigation position of the Town. CW Rojas seconded the motion. Voice vote of Council: all yea's.

1. Council recessed at 8:35pm

- IX. Convene Executive Session:** Pursuant to 29 Del. C. §§10004(b)(2) and (4), the Town Council will consider a motion to meet in executive session for a strategy session, which will include legal advice or opinions from an attorney-at-law, with respect to potential litigation, as well as discussions that may have an adverse effect on the bargaining or litigation position of the Town.
- X. Close Executive Session & Re-convene Council Meeting.**
 - A. Council meeting reconvened at 9:44 pm.
- XI. Adjournment.**

A. CW Rojas made a motion to adjourn the meeting. CM Mertz seconded the motion. Voice vote of Council: all yea's.

1. Council adjourned the meeting at 9:45 pm.
